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9
10 UNITED STATES DISTRICT COURT
11
12 NORTHERN DISTRICT OF CALIFORNIA, SAN FRANCISCO DIVISION
13
14

15 IN RE: CATHODE RAY TUBE (CRT)
16 ANTITRUST LITIGATION

Master File No. 3:07-cv-05944-JST

MDL No. 1917

17 This Document Relates to:
18
19

Sears, Roebuck and Co. and Kmart Corp. v.
Chunghwa Picture Tubes, Ltd., No. 11-cv-
05514

**SEALED EXHIBITS A - F
AND
PUBLIC EXHIBITS G - I
TO
DECLARATION OF CATHLEEN H.
HARTGE IN SUPPORT OF DEFENDANT
LG ELECTRONICS, INC.'S MOTION
FOR BIFURCATION AND BENCH
TRIAL**

Judge: Honorable Jon S. Tigar
Date: September 22, 2016
Time: 2:00 p.m.
Courtroom: 9, 19th Floor

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MDL No. 1917

Master No. 3:07-cv-05944-JST

EXHIBIT A

FILED UNDER SEAL

EXHIBIT B

FILED UNDER SEAL

EXHIBIT C

FILED UNDER SEAL

EXHIBIT D

FILED UNDER SEAL

EXHIBIT E

FILED UNDER SEAL

EXHIBIT F

FILED UNDER SEAL

EXHIBIT G

Page 1

1 UNITED STATES DISTRICT COURT
2 NORTHERN DISTRICT OF CALIFORNIA
3 SAN FRANCISCO DIVISION
4 CASE NO. 3:07-CV-05944-SC
5 MDL NO. 1917

6 IN RE: CATHODE RAY TUBE (CRT)
7 ANTITRUST LITIGATION

8 This Document Relates to:

9 ALL ACTIONS

10 _____/

11
12 Kenny Nachwalter, P.A.
13 201 South Biscayne Boulevard
14 Suite 1100
15 Miami, Florida 33131
16 Tuesday, November 4th, 2014
17 12:58 p.m. - 1:45 p.m.

18
19 DEPOSITION OF PATRICK BARRETT
20 as 30(b) (6) representative of Hitachi, Ltd.

21
22 Taken before Beverly Bourlier James,
23 Registered Professional Reporter, Certified Realtime
24 Reporter and Notary Public in and for the State of
25 Florida at Large, pursuant to Notice of Taking
Deposition filed in the above-mentioned cause.

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1 **Electronic Devices (USA), Inc. to increase or**
2 **decrease prices for the CRTs sold by Hitachi**
3 **Electronic Devices (USA), Inc.?**

4 A. No.

5 Q. During the relevant period, did Hitachi
6 Displays, Ltd. have the ability to determine or
7 modify budgetary decisions made by Hitachi Electronic
8 Devices (USA), Inc.?

9 A. No.

10 Q. Between January 1, 1995 and September 30,
11 2002, what was the percentage amount, if any, of
12 Hitachi, Ltd.'s ownership share in Shenzhen SEG
13 Hitachi Color Display Devices, Ltd.?

14 A. Hitachi, Ltd. had a 25 percent ownership
15 share in Shenzhen SEG Hitachi Color Display Devices,
16 Ltd. from January 1, 1995 to September 30, 2002.

17 Q. Between October 1, 2002 and November 7,
18 2007, what was the percentage amount, if any, of
19 Hitachi, Ltd.'s ownership share in Shenzhen SEG
20 Hitachi Color Display Devices, Ltd.?

21 A. Hitachi, Ltd. had no ownership share of
22 Shenzhen SEG Hitachi Color Display Devices, Ltd. from
23 October 1, 2002 to November 7, 2007.

24 Q. Between October 1, 2002 and November 7,
25 2007, what was the percentage amount, if any, of

Page 29

1 Hitachi Display, Ltd.'s ownership share in Shenzhen
2 SEG Hitachi Color Display Devices, Ltd.?

3 A. Hitachi Displays, Ltd. had a 25 percent
4 ownership share in Shenzhen SEG Hitachi Color Display
5 Devices, Ltd. from October 1, 2002 to November 7,
6 2007.

7 Q. When, if ever, did Hitachi, Ltd. sell its
8 ownership share in Shenzhen SEG Hitachi Color Display
9 Devices, Ltd.?

10 A. Hitachi, Ltd.'s Display Group was spun off
11 to form Hitachi Displays, Ltd. on October 1, 2002.
12 At that time, Hitachi, Ltd.'s ownership share in
13 Shenzhen SEG Hitachi Color Display Devices, Ltd. was
14 transferred to Hitachi Displays, Ltd.

15 Q. When, if ever, did Hitachi Displays, Ltd.
16 sell its ownership share in Shenzhen SEG Hitachi
17 Color Display Devices, Ltd.?

18 A. Hitachi Displays, Ltd. sold its minority
19 ownership share in Shenzhen SEG Hitachi Color Display
20 Devices, Ltd. through an agreement executed on
21 November 8, 2007.

22 Q. Between January 1, 1995 and November 7,
23 2007, did Hitachi, Ltd. have the ability to remove
24 officers or directors at Shenzhen SEG Hitachi Color
25 Display Devices, Ltd.?

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1 C E R T I F I C A T E
2

3 STATE OF FLORIDA:

4 COUNTY OF MIAMI-DADE:

5
6 I, the undersigned authority, certify that
7 PATRICK BARRETT personally appeared before me on
8 November 4, 2014 and was duly sworn by me.

9
10 WITNESS my hand and official seal this 4th
11 day of November, 2014.

12
13
14 BEVERLY BOURLIER JAMES
15 My Commission #EE091768
16 Expires September 9th, 2015
17
18
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Page 40

1 C E R T I F I C A T E
2

3 STATE OF FLORIDA:

4 COUNTY OF MIAMI-DADE:

5 I, BEVERLY BOURLIER JAMES, a Notary Public
6 for the State of Florida at Large, hereby certify
7 that I reported the deposition of PATRICK BARRETT;
8 and that the foregoing pages constitute a true and
9 correct transcription of my shorthand report of the
10 deposition by said witness on this date.

11 I further certify that I am not an attorney
12 or counsel of any of the parties, nor a relative or
13 employee of any attorney or counsel connected with
14 the action nor financially interested in the action.

15 WITNESS my hand and official seal in the
16 State of Florida, this 4th day of November, 2014.
17

19 BEVERLY BOURLIER JAMES
20 Registered Professional Reporter
21 Certified Realtime Reporter
22 Certified LiveNote Reporter
23 Florida Professional Reporter
24 NCRA Realtime Systems Administrator
25

EXHIBIT H

Page 1

1 IN THE UNITED STATES DISTRICT COURT
2 NORTHERN DISTRICT OF CALIFORNIA
3 SAN FRANCISCO DIVISION

4
5 IN RE: CATHODE RAY TUBE (CRT))
6 ANTITRUST LITIGATION) No. 3:03-cv-05944 SC
7) MDL No. 1917

8
9 This Document Relates to:)
10 ALL PENDING ACTIONS)

CERTIFIED
TRANSCRIPT

11
12
13
14 VIDEOTAPED DEPOSITION OF WAYNE PARK
15 Los Angeles, California
16 Tuesday, November 17, 2015
17 Volume I

18
19
20
21 Reported by:
22 JUDITH A. MANGO
23 CSR No. 5584
24 Job No. 2187495
25 PAGES 1 - 148

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1 CRT, which Zenith used to buy from Toshiba.

2 Q And do you recall buying CRTs from Toshiba
3 in 1999?

4 A In 1999 I got out of Zenith, so I cannot
5 tell. But before, we bought from. 10:22:13

6 Q When did you leave Zenith in 1999?

7 A End of '98 I left.

8 Q And where did you go?

9 A LG -- back to LG Electronics. At that time
10 I was transferred to the appliance OEM division
11 located in Chicago area. 10:22:28

12 Q Who informed you of your transfer out of
13 Zenith?

14 A Michael Ahn notified me that I'm being
15 transferred out of Zenith. 10:22:49

16 Q And would that have come from above him at
17 LG, from Mr. Cho or from Mr. Koo?

18 A Yeah.

19 MR. ESTRADA: Objection; calls for
20 speculation. 10:23:00

21 THE WITNESS: Executive level movement is
22 always reported and approved by CEO.

23 BY MR. RANDALL:

24 Q And did you know whether Mr. Koo approved
25 that transfer for you in 1998, 1999? 10:23:10

1 Q Could LG headquarters tell you what price
2 to set for a Zenith CRT-based television?

3 A They -- they cannot, because -- I have to
4 be clear. We -- we might be a little bit confused.

5 When I was doing the sales-related job in 14:02:59
6 2001, 2000, Zenith stopped manufacturing TV sales --
7 TV product and Zenith outsourced its TV product.

8 So I have to make -- if I have to sell TV
9 at a certain price, and if it -- the loss is too
10 big, then I would rather reduce the volume or 14:03:33
11 renegotiate with the outsourcing factory to cut the
12 cost down.

13 If they cannot cut the cost down, then I
14 would probably reduce the volume to reduce the limit
15 of the loss to -- to make my business plan P&L, not 14:03:51
16 target.

17 Q Let me ask you about that, because you
18 mentioned when you went back to Zenith in 2000 --

19 A Uh-hmm.

20 Q -- Zenith was no longer making its own 14:04:03
21 tubes; is that right?

22 A Right.

23 Q So at that point Zenith was outsourcing the
24 making of televisions, CRT-based televisions --

25 A Uh-hmm. 14:04:14

1 Q -- and the tubes that would go into those
2 CRT-based televisions; is that right?

3 A Uh-hmm.

4 Q Before that point in time Zenith was making
5 its own tubes -- 14:04:23

6 A Yes.

7 Q -- is that right?

8 And I think you testified that there was a
9 certain percentage of large size tubes, 32-inch,
10 36-inch, that were made by Toshiba. 14:04:34

11 A Yes, I recall that.

12 Q Was that a major percentage of the
13 CRT-based televisions sold by Zenith?

14 A No. As you have seen in the exhibit in the
15 past, it was like -- target quantity was like a 14:04:45
16 hundred thousand units of 32-inch and 40,000 units
17 in the 36-inch.

18 Generally the target quantity is the
19 optimistic number, right? So the actual production
20 per year must have been smaller than that. And that 14:05:06
21 number is a very small portion of Zenith's total
22 business volume. Very small portion.

23 Q When you say "very small portion," what
24 percentage would you put as an estimate?

25 A Estimate, less than ten percent, I should 14:05:20

1 say.

2 Q Now, after the point when you came back in
3 2000, Zenith was no longer making its own tubes and
4 they were outsourcing that production.

5 A Uh-hmm.

14:05:37

6 Q Where, geographically speaking, did they
7 outsource their production?

8 A In North America, either -- mostly in
9 Mexico border area, U.S./Mexico border area.

10 Q Why was it important that the outsourcing
11 happen in North America?

14:05:53

12 A The biggest reason was the NAFTA tariff.
13 NAFTA imposed import duty of five percent for every
14 TV set we are importing out of North Ameri -- North
15 American territory.

14:06:16

16 And, as I told you, in this
17 highly-competitive TV market where operating budget
18 is so thin, five percent gap is a very big
19 disadvantage. And also TV price is always eroding.

20 But if you buy from offshore, from Far East, Asia,
21 you have longer lead time, meaning you have a higher
22 risk of price erosion longer than other people and
23 also shipping cost addition.

14:06:36

24 So all the economy reasons dictate --
25 almost dictate you buy from North American facility.

14:06:53

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1 I, the undersigned, a Certified Shorthand
2 Reporter of the State of California, do hereby
3 certify:

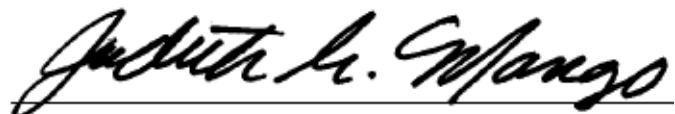
4 That the foregoing proceedings were taken
5 before me at the time and place therein set forth;
6 that any witnesses in the foregoing proceedings,
7 prior to testifying, were administered an oath; that
8 a record of the proceedings was made by me using
9 machine shorthand which was thereafter transcribed
10 under my direction; further, that the foregoing is a
11 true record of the testimony given.

12 Further, that if the foregoing pertains to
13 the original transcript of a deposition in a Federal
14 Case, before completion of the proceedings, review
15 of the transcript [] was [] was not requested.

16 I further certify I am neither financially
17 interested in the action nor a relative or employee
18 of any attorney or any party to this action.

19 IN WITNESS WHEREOF, I have this date
20 subscribed my name.

21
22 Dated: 12/1/2015



23
24 JUDITH A. MANGO

25 CSR No. 5584

EXHIBIT I

United States District Court

WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

COSTCO WHOLESALE CORPORATION,

Plaintiff,

JUDGMENT IN A CIVIL CASE

CASE NUMBER: C13-1207RAJ

v.

AU OPTRONICS CORPORATION, AU OPTRONICS
CORPORATION AMERICA, LG DISPLAY CO., LTD.,
and LG DISPLAY AMERICA, INC.,

Defendants.

- X **Jury Verdict.** This action came before the Court for a trial by jury. The issues have been tried and the jury has rendered its verdict.
- **Decision by Court.** This action came to consideration before the Court. The issues have been considered and a decision has been rendered.

THE COURT HAS ORDERED THAT

Based on the jury's October 23, 2014 verdict and the court's June 4, 2015 findings of fact and conclusions of law, the court enters judgment for Plaintiff and against Defendants for \$61,971,040.

Dated this 4th day of June, 2015.

WILLIAM M. MCCOOL
Clerk

/s Lynn Kandziora
Deputy Clerk